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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/615,036	07/09/2003	Yasushi Usami	0085/010001	3929

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SMITH PATENT OFFICE
1901 PENNSYLVANIA AVENUE N W
SUITE 901
WASHINGTON, DC 20006

EXAMINER

POPOVICI, DOV

ART UNIT	PAPER NUMBER
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2625

MAIL DATE	DELIVERY MODE
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05/18/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/615,036

Applicant(s)

USAMI, YASUSHI

Examiner

Dov Popovici

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.


Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.


DOV POPOVICI
PRIM. EXAMINER

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 02/22/2006.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

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DETAILED ACTION

Specification

The abstract of the disclosure is objected to because the abstract has exceeded 150 words in length. The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited.

Correction is required. See MPEP § 608.01(b).

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 5-8 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claims 5-8 are claiming a computer program per se. Claims 5-8 are directed to non-statutory functional descriptive material. "Computer programs claimed as computer listings per se, i.e., the descriptions or expressions of the programs, are not physical "things." They are neither computer components nor statutory processes, as they are not "acts" being performed. Such claimed computer programs do not define any structural and functional interrelationships between the computer program and other claimed elements of a computer which permit the computer program's functionality to be realized. In contrast, a claimed computer-readable medium encoded with a computer program is a computer element which defines structural and functional interrelationships between the computer program and the rest of the computer which permit the computer program's functionality to be realized, and is thus statutory. See Lowry, 32 F.3d at 1583-84, 32 USPQ2d at 1035. " " Since a computer program is merely a set of instructions capable of being executed by a computer, the computer program itself is not a process and USPTO personnel should treat a claim for a computer program, without the computer-readable medium needed to realize the computer program's functionality, as nonstatutory functional descriptive material" (see Interim Guidelines for Examination of Patent Applications for Patent Subject Matter Eligibility).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-8 are rejected under 35 U.S.C. 102(b) as being anticipated by Ono et al. (U.S. 6,295,136).

As to claim 1, Ono et al. discloses an image processing device comprising: an image data memory (32,33) for storing one or plurality of image data files in correspondence with at least any one of plurality of print sizes (see figures 24-29 for plurality of print sizes); an image corrector (55,56) for carrying out correction process for the one or plurality of image data files stored in the image data memory; and an image data supply controller (39,53) for controlling the one or plurality of image data files stored in the image data memory (32,33) to be supplied to a printer (14) so that each of the image data files is used for printing in a corresponding print size in accordance with the image data memory and an image data file in correspondence with a print size is prevented from being mixed with an image data file in correspondence with another print size; (see figures 24-29, see column 13, lines 28-31, see figure 22, S1110, S1150, and see column 19, line 39 to column 20, line 4).

As to claim 2, Ono et al. discloses an image processing device comprising: an image data memory (32) for storing one or plurality of image data files in correspondence with at least any one of plurality of print sizes (see figures 24-29); an image corrector (see fig. 3, 55, 56) for carrying out correction for the one or plurality of image data files stored in the image data memory; a print size memory (33) for storing a print size for a printer; and an image data supply controller (39,53) for controlling an image data file in correspondence with the same print size as stored in

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the print size memory, of the one or plurality of image data files stored in the image data memory, to be supplied to the printer so as to be used for printing in a corresponding print size; (see figures 24-29, see column 13, lines 28-31, see figure 22, S1110, S1150, and see column 19, line 39 to column 20, line 4).

As to claim 3, Ono et al. discloses wherein the image data supply controller (39 and 53) controls an image data file in correspondence with a print size different from one stored in the print size memory, of the one or plurality of image data files stored in the image data memory, to be supplied to an auxiliary storage device (31), and wherein further comprises an image data retriever (30) for retrieving an image data file in correspondence with a print size stored in the print size memory (33) after storage content thereof has been changed, of the image data file stored in the auxiliary storage device (31), and storing the image data file into the image data memory again.

As to claim 4, Ono et al. discloses further comprising a demanding signal (see fig. 10) output controller for controlling, when there exists an image data file which has not yet been supplied to the printer (14), a signal for demanding an operator to change storage content of the print size memory to be outputted (see fig. 10, fig. 22 and column 1, lines 42-59).

As to claim 5, Ono et al. discloses a computer program product comprising: an image data memory (32,33) for storing one or plurality of image data files in correspondence with at least any one of plurality of print sizes (see figures 24-29 for plurality of print sizes); an image corrector (55, 56) for carrying out correction process for the one or plurality of image data files stored in the image data memory; and

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an image data supply controller (39, 53) for controlling the one or plurality of image data files stored in the image data memory (32, 33) to be supplied to a printer (14) so that each of the image data files is used for printing in a corresponding print size in accordance with the image data memory and an image data file in correspondence with a print size is prevented from being mixed with an image data file in correspondence with another print size; (see figures 24-29, see column 13, lines 28-31, see figure 22, S1110, S1150, and see column 19, line 39 to column 20, line 4).

As to claim 6, Ono et al. discloses a computer program product comprising: an image data memory (32) for storing one or plurality of image data files in correspondence with at least any one of plurality of print sizes (see figures 24-29); an image corrector (see fig. 3, 55, 56) for carrying out correction for the one or plurality of image data files stored in the image data memory; a print size memory (33) for storing a print size for a printer (14); and an image data supply controller (39, 53) for controlling an image data file in correspondence with the same print as stored in the print size memory, of the one or plurality of image data files stored in the image data memory, to be supplied to the printer (14) so as to be used for printing in a corresponding print size; (see figures 24-29, see column 13, lines 28-31, see figure 22, S1110, S1150, and see column 19, line 39 to column 20, line 4).

As to claim 7, Ono et al. discloses wherein the image data supply controller (39 and 53) controls an image data file in correspondence with a print size different from one stored in the print size memory, of the one or plurality of image data files stored in the image data memory, to be supplied to an auxiliary storage device (31), and wherein

further comprises an image data retriever (30) for retrieving an image data file in correspondence with a print size stored in the print size memory (33) after storage content thereof has been changed, of the image data file stored in the auxiliary storage device (31), and storing the image data file into the image data memory again.

As to claim 8, Ono et al. discloses further comprising a demanding signal (see fig. 10) output controller for controlling, when there exists an image data file which has not yet been supplied to the printer (14), a signal for demanding an operator to change storage content of the print size memory to be outputted (see fig. 10, fig. 22 and column 1, lines 42-59).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Fujikawa, Yuji et al. (JP 2000092260A) teaches preventing both face printing and single face printing from being mixed by inhibiting the both face printing when the page size of received document are not unified.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dov Popovici whose telephone number is 571-272-4083. The examiner can normally be reached on Monday-Friday.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Coles can be reached on 571-272-7402. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Dov Popovici
Primary Examiner
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